

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.  
04-10337-WGY

\* \* \* \* \*  
UNITED STATES OF AMERICA  
v.  
RUDOLF HARDIAL  
\* \* \* \* \*

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,  
District Judge

1 Courthouse Way  
Boston, Massachusetts

January 17, 2005

1           **THE COURT:** Thank you.

2           Mr. Rudolf Hardial, in consideration of the factors  
3           which the Court takes into consideration under 18 United  
4           States Code, Section 3553, the information from the United  
5           States Attorney, your attorney, the probation officer and  
6           yourself, this Court sentences you to 37 months in the  
7           custody of the United States Attorney General, imposes upon  
8           you a period of four years of supervised release, imposes no  
9           fine due to your inability to pay a fine, and a \$100 special  
10          assessment.

11          The specific conditions of your supervised release  
12          are that you shall refrain from any unlawful use of a  
13          controlled substance, submit to one drug within 15 days of  
14          release from imprisonment, and at least two periodic drug  
15          tests thereafter, not to exceed 104 tests per year as  
16          directed by the probation office.

17          You'll submit to the collection of a DNA sample as  
18          directed by the probation office. You're prohibited from  
19          possessing a firearm, destructive device or other dangerous  
20          weapon. If ordered deported you're to leave the United  
21          States, not to return without the prior permission of the  
22          Secretary of the Department of Homeland Security.

23          Let me explain the sentence to you, Mr. Hardial.  
24          That is the lowest sentence in my judgment that comports  
25          with the factors congress set forth in Section 3553.

1 Everything you did you did willingly and intelligently and  
2 knowing what you were doing violating the laws of the United  
3 States. Nevertheless, since that time you've made every  
4 effort to undo the wrong that you have done and it is for  
5 that reason that I impose the sentence that I do.

6 I expressly, I expressly express no opinion as to  
7 whether this case warrants a reduction of two levels for  
8 role in the offense. Your lawyer has ably argued that the  
9 law is uncertain. This case is not the vehicle for taking a  
10 position on the issue. This sentence is a fair and just  
11 sentence given the specific facts of your offense.

12 Now, you will get credit toward the service of this  
13 sentence from November 6th, 2004 until to date. You have  
14 the right to appeal from any findings or rulings the Court  
15 has made against you. Should you appeal and should your  
16 appeal be successful in whole or in part, the case will be  
17 resentenced before another judge.

18 That's the sentence of the Court. He's remanded to  
19 the custody of the marshals. We'll recess.

20 **THE CLERK:** All rise.

21 (Whereupon the matter concluded.)  
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